THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.18974 OF 2007

DATED: 07-09-2007

Between:

M. Soma Raju

.. Petitioner

and

The Principal Secretary, Higher Education, Government of A.P., Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.18974 OF 2007

ORDER:

This writ petition is filed being aggrieved by a show cause notice, dated 20.08.2007, issued to the petitioner by the 3rd respondent.

It appears, the petitioner, who was working as Lecturer in English in S.K.B.R. College, Amalapuram, East Godavari District, was proceeded with departmentally on the following allegations: 1) ignoring the proper channel by addressing a letter to the Director (A.P), N.C.C. Directorate, Secunderabad, 2) marking copies to higher authorities in Education Department requesting them to take action against the Principal of the college and cancel recognition of the college and grant-in-aid to the college, 3) misbehaving during Inter examinations on 09.03.2006, and 4) not taking up class work on 26.10.2006. A charge memo was issued to him on 19.07.2007 framing six charges basing on the above allegations. The Committee constituted for the purpose of conducting enquiry into the matter, after conducting enquiry, held that all the charges framed against the petitioner were proved beyond doubt and he is guilty of gross indiscipline, disobedience, insubordination and dereliction of duties. The enquiry committee also opined that if severe punishment of termination is not imposed and left free, such cases of indiscipline and disobedience may occur in future from staff members. In view of the same, the impugned show cause notice, dated 20.08.2007, was issued by the 3rd respondent asking the petitioner to show cause as to why his services should not be terminated and two weeks time from 20.08.2007 to 04.09.2007 was granted to submit his representation or statement in writing, if any. Aggrieved by the same, the present writ petition is filed.

Admittedly, no writ lies against a show cause notice, unless some substantial grounds like jurisdiction, malafides etc. were attributed. Be that as it may, under the impugned show cause notice, the petitioner was only asked to show cause as to why his services should not be terminated. The petitioner can submit his explanation, taking all objections, to the said show cause notice and then it is for the authority to take a final decision in the matter. Simply because the show cause notice is couched saying that why the services of the petitioner should not be terminated, it does not mean that the punishment of termination was going to be imposed on him.

I have looked into the enquiry report attached to the impugned show cause notice. The sum and substance of the charges is dereliction of duties and insubordination. I am of the prima facie opinion that even if it is assumed that the charges are proved, they are not so serious to come to a conclusion that the services of the petitioner are liable to be terminated. No authority is vested with the power to impose a punishment of termination without considering as to whether the punishment of termination is in proportion to the charges proved.

Under these circumstances, the petitioner is directed to submit his explanation to the impugned show cause notice, dated 20.08.2007, within one week from today and the respondents shall consider the same on its own merits and pass final orders thereon as per law.

With the above directions, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

7th September, 2007.

Note:-

Issue order copy by Monday.

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